

**PLANNING AND ZONING BOARD**  
**AUGUST 9, 2000**

**Revised 12/13/00**

**1. ROLL CALL**

The meeting was called to order at 7:34 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, and Edna Moore. Also present were Interim Town Attorney Monroe Kiar, Planner II Jason Eppy, and Acting Town Clerk Barbara McDaniel recording the meeting. Mr. Davenport was absent.

**2. PLAT**

- 2.1 P 3-1-00, Hicks Estates, generally located on SW 136 Avenue, south of SW 26 Street (A-1/R-1)

Gus Khavinan, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommended approval subject to the planning report).

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to approve subject to the conditions. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; Ms. Moore, yes. (Motion carried 4-0)

**3. PUBLIC HEARING**

*Vacation/Abandonment*

- 3.1 VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extended from Davie Road Extension approximately 310 feet west (tabled from July 26, 2000) (staff requesting a tabling to August 23, 2000).

Mr. Eppy stated that staff was still waiting on the utility no-objection letters.

Mr. Davis made a motion, seconded by Ms. Moore, tabling this item to August 23, 2000. In a voice vote, with Mr. Davenport being absent, all voted in favor. (Motion carried 4-0)

*Variances*

- 3.2 V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from July 26, 2000) (staff requesting tabling to August 23, 2000).

Mr. Eppy explained that the purpose of the tabling was because of the issues with the surrounding residents and limiting some of the variances. Staff was working on a preliminary site plan reducing the height of the building, the parking variance request, and green areas.

Vice-Chair Stahl made a motion, seconded by Ms. Moore, tabling this item to August 23, 2000. In a voice vote, with Mr. Davenport being absent, all voted in favor. (Motion carried 4-0)

- 3.3 V 6-3-00, Mobil Oil Company/Barclay Group No. 8, Ltd., 351 SW 136 Street (B-2) (tabled from July 26, 2000)

Tom Pressman, representing the petitioner, described petitioner's proposal. He suggested the petitioner would eliminate beer and wine sales from midnight to 6:00 a.m., and would also limit car wash hours from 11:00 p.m. to 6:00 a.m. Mr. Pressman added that the petitioner would provide an extensive landscape buffering to the rear which would exceed Code requirements. He explained that the motor fuel pumps would be 191 feet from the residences.

Mr. Eppy read the planner's report and the variances requested (Planning and Zoning Division recommended denial).

Mr. Davis requested more detail be provided for variances two and three. Mr. Eppy described the dimensions of the car wash and the proposed buffer and indicated where the residential property was in relation to the car wash. Mr. Pressman further detailed the proposal. Vice-Chair Stahl clarified that the Code mandated a 250 foot separation from the property line.

Mr. Davis questioned the distance between the storage tanks and the residential property line. Mr. Eppy pointed out that the tanks would be underground.

Mr. Davis asked about car repairs on the premises. Mr. Pressman responded that there would be no auto repair at that location. He further indicated there was no fast food plan with sit-down capacity; however, there currently was a plan for a deli. Mr. Eppy stated that the plan identified counters which would be further reviewed during the site plan process. Mr. Eppy advised that car repair was not a permitted use unless associated with the gas station. Mr. Pressman reiterated that there was no repair operation proposed at that location.

Mr. Eppy advised that a letter had been received from the Poinciana Park Homeowners' Association representing 400 families objecting to the variances.

Chair Greb asked if anyone wanted to speak for or against this item.

Robert Hoth, 13061 Whitestone Way, stated that in past discussions with Mayor Venis and Assistant Town Administrator Robert Rawls ~~approximately~~, it had been indicated that there would be no gas stations allowed on that property.

Chair Greb then closed the public hearing.

Mr. Pressman advised that any deed restrictions would be conformed with.

Vice-Chair Stahl reiterated zoning Code requirements, stating that he had a problem with a gas station being so close to residential property.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, moved to deny all three variances. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; Ms. Moore, yes. (Motion carried 4-0)

### 3.4 V 7-1-00, Rodriguez, 5220 Davie Road (RO)

Christina Rodriguez, the petitioner, provided a history regarding the property.

Mr. Eppy read the planner's report (Planning and Zoning Division recommended denial). He advised that staff recommended that Council take no action or waive subsection 12(C)(5) which prohibited the Planning & Zoning Board from considering another variance request on the subject property within 12 months of Council action so that the applicant may reconsider staff's suggestion for site revision.

Ms. Rodriguez presented a detailed version of the site plan further explaining reasons for the proposed variances.

Chair Greb suggested that the petitioner meet with staff for more technical planning to eliminate some of the variances, leaving only the variances that were required in order to be in a more favorable situation. Development Services Director Mark Kutney briefed the board on the problem with the number of variances and petitioner working on the problem with the Engineering Department and staff. He proposed that this item be continued to the September 13th meeting in order for the petitioner to work with staff on a final solution to reduce the number of variances.

Mr. Davis asked why the petitioner would need to meet again with staff and whether new issues would be put on the table for discussion. Mr. Eppy mentioned additional

**Planning and Zoning Board**  
**August 9, 2000**

planning elements that were not discussed at the previous meetings which should be considered. He stated there was an opportunity to limit the number of variances.

Chair Greb urged that the matter be placed on the August 23rd agenda to get the matter moving rather than putting it off four weeks. He suggested that petitioner go back to her architects and engineers to get the plans redone. Mr. Kutney was concerned about the possibility that there would not be enough time to get everything ready prior to the next scheduled meeting.

Ms. Rodriguez expressed her frustration that all the debate and delay was over a green area. Chair Greb responded that his main concern was the turning radius. In response, Mr. Eppy stated that Broward County was looking at the access from Davie Road only. Only Davie was involved in the decision regarding the turning radius.

Mr. Davis asked the petitioner if a slightly smaller building had been contemplated. Mr. Kutney replied in that event, the setback variance may not be needed.

Ms. Moore read the Code regarding the plan being "injurious to the neighborhood or detrimental to the public welfare" and commented that she did not see any evidence of those issues. Mr. Kutney described the surrounding areas indicating that staff could not take only that issue into consideration.

Responding to Chair Greb's inquiry, Ms. Rodriguez stated that she had presented various plans to staff and this one was the last most recent one acceptable to the County and Town engineers.

Mr. Eppy explained the traffic engineering aspects of the property. Discussion continued regarding fire truck access and engineering standards for emergency vehicle access.

Chair Greb questioned the purpose of residential/office if not to have a combination of residential and commercial on the same property. He was advised that the County was not aware that the single family home would be tied to the commercial portion for both lots.

Chair Greb asked if anyone wanted to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Rodriguez advised Mr. Davis that due to the radius and flow, the single driveway was not considered to be an option. Mr. Eppy explained that Engineering would rather see a two-way drive out.

Chair Greb asked Ms. Rodriguez if she would like to take her chances on approval with Council. If so, it could be moved forward. Pablo Averbuj suggested that the parties try to work out fewer variances for presentation to Council. Chair Greb commented that changing the driveway to one-way would eliminate three variance requests; however, plans needed to be drawn up. Ms. Rodriguez agreed to do whatever was necessary to reduce the variances without having to change the entire plan.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to approve the five variances conditioned that petitioner go back with staff to work out a way to cut them down, if possible. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes absent; Mr. Davis, yes; Ms. Moore, yes. (Motion carried 4-0)

**Planning and Zoning Board**  
**August 9, 2000**

3.5 V 7-2-00, Jatoff/Value Dining of Davie, Inc., 4190 South University Drive (B-3)

Stan Riskin, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommended approval subject to the planning report).

Mr. Davis asked about not having access to the property if the easement was not granted causing destruction of part of the existing building and requested to be shown that on the proposal. Mr. Riskin pointed out the sidewalk area and driveway which abutted the building and explained that the neighbors agreed to an easement to move the driveway partially onto their property which created a need for the variances.

Chair Greb asked if anyone wanted to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to approve subject to the easement. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes absent; Mr. Davis, yes; Ms. Moore, yes. (Motion carried 4-0)

**4. OLD BUSINESS**

Chair Greb brought up the situation with the exotic animals and requiring a special permit to encourage public input, placing no restriction on animal owners and allowing them to voice their case with the public. Mr. Eppy confirmed that the matter was moving forward. Chair Greb stressed the need for the public to ~~had~~ have an opportunity for input.

Vice-Chair Stahl requested information on the status of revisions of the parking codes for parking lots. Mr. Kutney explained that a draft was completed and being reviewed and should come before the board soon.

Mr. Davis wanted to know when the Board would be provided with minutes. Mr. Kutney explained that the Town Clerk's Office was working on transcribing the minutes more quickly. The short term problem was that the Board would not get transcribed minutes and be able to have a meeting to approve them prior to a matter coming before Council. Staff was considering all factors for the process that would work more efficiently. Mr. Davis asked who was suppose to be typing the minutes and the status of the last minutes. Mr. Kutney deferred to Acting Town Clerk McDaniel who explained the workload of the Board's secretary and indicated that changes would soon be made to resolve the problem. Mr. Kutney advised that staff could prepare more detailed reports of discussions with the Board to Council. Chair Greb suggested that the minutes be transcribed from this meeting backwards. Acting Town Clerk McDaniel indicated that the minutes would be provided to the off-site transcriptionist but the transcriptionist was transcribing minutes from Council and other boards. Mr. Davis felt that the Board was ~~more~~ as important because Council dealt with quasi-judicial zoning issues and needed to know what transpired at the meetings. There was concern that if a lawsuit was filed, approved minutes would not be available.

**5. NEW BUSINESS**

Mr. Kutney announced that Mr. Eppy would be leaving the Town's employment effective as of August 11th.

**Planning and Zoning Board**  
**August 9, 2000**

**6. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**7. ADJOURNMENT**

There being no objections, the meeting adjourned at 10:15 p.m.

Approved: \_\_\_\_\_

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Chair/Agency Member